EXHIBIT 5

Case: 1:17-md-02804-DAP Doc #: 5753-6 Filed: 11/12/24 2 of 5. PageID #: 655891

From: <u>Drachler, Dan</u>

To: "MillerG@gtlaw.com"; do Amaral, Paulina; david@specialmaster.law

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Chantale.fiebig@weil.com; Daniel.nadratowski@wei.l.com; paul.lafata@dechert.com; DAntullis@rgrdlaw.com; Cabraser, Elizabeth J.;

PWeinberger@spanglaw.com

Subject: RE: [EXT] American Federation Consolidated and Amended Third Party Payor Class Action Complaint

Date: Wednesday, October 16, 2024 11:51:39 AM

Gretchen,

We are in receipt of your email dated October 15, 2024 regarding the TPP placeholder amended complaint. Please be advised that on July 31, 2024, the Court entered a non-document order directing that "on or before 12:00 p.m. on August 30, 2024, Plaintiffs shall identify an appropriate non-bellwether case in which to state class action allegations and shall submit a proposed amended complaint." The purpose of this complaint was to serve as a placeholder for Third Party Payor Plaintiffs' non-bellwether class action claims "for purposes of facilitating and approving any potential settlement." Doc. 5666 at 3. The deadline was later extended to September 20, 2024. Doc. 5612.

On September 20, 2024, Plaintiffs identified DC 37's case (No. 1:17-cv-2585) "as an appropriate non-bellwether case in which to state class allegations," and filed a Consolidated and Amended Third Party Payor Class Action Complaint and Jury Demand proposed to be filed in that case, as this Court had ordered. See Doc. 5638. In their Notice of Service, TPP Plaintiffs stated that "[t]his placeholder class action complaint will not be litigated pending further Court Order (after due notice and an opportunity to be heard), such as for purposes of facilitating and approving any potential settlement. The placeholder complaint need not be responded to by Defendants." Id. Therefore, since the procedure for submitting the placeholder complaint was determined more recently, it is not related or subject to the May 23, 2024 order regarding final amendments.

Moreover, even if the May 23, 2024 order was relevant to the placeholder complaint, DC 37 timely requested amendment of its existing class action complaint as to the Ahold Delhaize, Albertsons, Alvogen, Aurobindo, Aurolife, Costco, KVK-Tech, Lupin, Publix, Target, Tris, and Winn-Dixie entities.

In sum, the placeholder complaint preserves claims against all Defendants without imposing any burden on the entities identified in your email.

Nevertheless, on October 10, 2024, TPP Plaintiffs agreed "to remove allegations pertaining to certain defendants." We are in the process of determining which entities will be removed as defendants. We will let be in touch with you as soon as that determination has been made.

As far as the request to provide any redactions to the placeholder complaint, that request was made as a courtesy to you. Regardless of whether these entities are defendants, there may be information contained in the complaint that they believe should be redacted. If you choose not to propose redactions all of the material in the complaint will become public.

Please let us know if you have further questions or concerns.

Thanks,

Dan Drachler
Of Counsel
ddrachler@lchb.com
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----Original Message----

From: MillerG@gtlaw.com <MillerG@gtlaw.com> Sent: Tuesday, October 15, 2024 12:36 PM

To: do Amaral, Paulina <Pdoamaral@lchb.com>; david@specialmaster.law

Cc: SMS@spanglaw.com; t16-19tppopioidbwteam@simmonsfirm.com; Kaspar.stoffelmayr@bartlit-beck.com; kate.swift@bartlitbeck.com; matthew.ford@bartlitbeck.com; edelinsky@zuckerman.com; smiller@zuckerman.com; PHynes@zuckerman.com; tntabacchi@jonesday.com; jzhou@jonesday.com; tbenedetto@dugan-lawfirm.com; jdugan@dugan-lawfirm.com; lfitzpatrick@simmonsfirm.com; EXT-OpioidsTPPDefendants@groups.jonesday.com; tkracht@huntonak.com; tkrach.t@hunton.com; CITERAF@gtlaw.com; creiser@axinn.com; nduffee@axinn.com; eyung@axinn.com; doakes@axinn.com; jellison@hpm.com; dburman@perkinscoie.com; troberts@perkinscoie.com; gobrien@cavitch.com; rice@bscr-law.com; rice@bakersterchi.com; jmatthews@foley.com; kkoski@foley.com; Kara.Kapke@btlaw.com; Meredith.White@btlaw.com; Gregory.Franklin@gtlaw.com; monica.brownewell@btlaw.com; amy.fiterman@faegredrinker.com; rory.collins@faegredrinker.com; kerry.bundy@faegredrinker.com; terry.henry@blankrome.com; fiona.steele@blankrome.com; toliver@carrallison.com; dplunkett@mcglinchey.com; tbyrd@mcglinchey.com; maria.durant@hoganlovells.com; michael.connelly@troutman.com; hyung.steele@troutman.com; adam.levin@hoganlovells.com; rebecca.mandel@hoganlovells.com; lauren.colton@hoganlovells.com; Ronda.Harvey@steptoe-johnson.com; Ashley.Odell@steptoe-johnson.com; Chantale.fiebig@weil.com; Daniel.nadratowski@wei.l.com; paul.lafata@dechert.com; DAntullis@rgrdlaw.com; Drachler, Dan <ddrachler@lchb.com>; Cabraser, Elizabeth J. <ECABRASER@lchb.com>; PWeinberger@spanglaw.com

Subject: RE: [EXT] American Federation Consolidated and Amended Third Party Payor Class Action Complaint

Dear Paulina and Special Master Cohen,

I am resending the attached email from October 2nd regarding newly added defendants to the proposed class action complaint. (Upon receiving this email, I realized I used a different email address for Special Master Cohen than what is listed here. My apologies for that.) Although the below email exchange relates to removing certain defendants from the proposed amended complaint due to pending settlement discussions, it does not appear to respond regarding the process of adding new defendants by virtue of this proposed complaint. The newly added defendants referenced in the attached email would welcome clarity as to whether this complaint will continue to seek to add these new defendants outside of the motion to amend process.

Thank you, Gretchen Miller

Gretchen N. Miller Shareholder

Greenberg Traurig, LLP

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----Original Message----

From: do Amaral, Paulina <Pdoamaral@lchb.com>

Sent: Friday, October 11, 2024 8:49 AM

To: David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>

 $Cc: Sheila~Schebek~ < SMS@spanglaw.com>; carrie_roush@ohnd.uscourts.gov; mdl@ohnd.uscourts.gov; ct16-19tppopioidbwteam@simmonsfirm.com; model of the compact of the compa$ Kaspar Stoffelmayr < Kaspar.stoffelmayr@bartlitbeck.com>; Kate Swift < kate.swift@bartlitbeck.com>; matthew.ford@bartlitbeck.com; External User -Eric Delinsky (edelinsky@zuckerman.com); External User - Sasha Miller (smiller@zuckerman.com); Hynes, Paul B. (PHynes@zuckerman.com); Tina Tabacchi ", Zhou, Jason Z. ", TerriAnne Benedetto ", James R. ", James R. <a href="mailto:tbenedetto:t Dugan, II < idugan@dugan-lawfirm.com>; Laura Fitzpatrick < lfitzpatrick@simmonsfirm.com>; EXT-OpioidsTPPDefendants@groups.jonesday.com; tkracht@huntonak.com; Kracht, Torsten M. <tkrach.t@hunton.com>; Citera, Francis (Shld-Chi-LT) <CITERAF@gtlaw.com>; Miller, Gretchen (Shld-Chi-LT) <CITERAF@gtlaw.com>; Miller, Chi-LT) < Miller G(@gtlaw.com>; creiser @axinn.com; Duffee, Nicholas D.M. < nduffee @axinn.com>; eyung @axinn.com; doakes @axinn.com; James P. Ellison <jellison@hpm.com>; Burman, David J. (SEA) <dburman@perkinscoie.com>; Roberts, Tyler (SEA) <troberts@perkinscoie.com>; Gregory E. O'Brien <gobrien@cavitch.com>; rice bscr-law.com <rice@bscr-law.com>; rice@bakersterchi.com; jmatthews@foley.com; Koski, Katy E. <kkoski@foley.com>; Kara.Kapke@btlaw.com; Meredith.White@btlaw.com; Franklin, Gregory (Assoc-DAL-LT) <Gregory.Franklin@gtlaw.com>; monica.brownewell@btlaw.com; Fiterman, Amy R. <amy.fiterman@faegredrinker.com>; Collins, Rory F. <rory.collins@faegredrinker.com>; kerry.bundy@faegredrinker.com; terry.henry@blankrome.com; fiona.steele@blankrome.com; toliver@carrallison.com; dplunkett@mcglinchey.com; Byrd, Timothy <tbyrd@mcglinchey.com>; maria.durant@hoganlovells.com; michael.connelly@troutman.com; hyung.steele@troutman.com; adam.levin@hoganlovells.com; rebecca.mandel@hoganlovells.com; lauren.colton@hoganlovells.com; Ronda.Harvey@steptoe-johnson.com; Ashley.Odell@steptoe-johnson.com; Chantale.fiebig@weil.com; Daniel.nadratowski@weil.com <Daniel.nadratowski@weil.com>; paul.lafata@dechert.com; Dory Antullis Dory Antullis@rgrdlaw.com; Drachler, Dan ddrachler@lchb.com; Cabraser, Elizabeth J. <ECABRASER@lchb.com>; Peter H. Weinberger <PWeinberger@spanglaw.com> Subject: Re: [EXT] American Federation Consolidated and Amended Third Party Payor Class Action Complaint

EXTERNAL TO GT

Thank you.

Sent from my iPhone

On Oct 11, 2024, at 8:36 AM, David R. Cohen (David@SpecialMaster.Law) david@specialmaster.law wrote:

That is fine

This email sent from: David R. Cohen Co. LPA 24400 Chagrin Blvd., Suite 300 Cleveland, OH 44122 216-831-0001 tel 866-357-3535 fax

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From: do Amaral, Paulina <Pdoamaral@lchb.com>

Sent: Thursday, October 10, 2024 6:39 PM

To: 'Sheila Schebek' <SMS@spanglaw.com>; David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>; carrie_roush@ohnd.uscourts.gov <carrie_roush@ohnd.uscourts.gov>; mdl@ohnd.uscourts.gov <mdl@ohnd.uscourts.gov>; CT16-

19TPPopioidbwteam@simmonsfirm.com < CT16-19TPPopioidbwteam@simmonsfirm.com >; Kaspar Stoffelmayr < Kaspar.stoffelmayr@bartlitbeck.com>; Kate Swift kate.swift@bartlitbeck.com<; matthew.ford@bartlitbeck.com<; External User - Eric Delinsky <edelinsky@zuckerman.com>; External User - Sasha Miller <smiller@zuckerman.com>; Hynes, Paul B. <phynes@zuckerman.com>; Tina Tabacchi <tmtabacchi@jonesday.com>; Zhou, Jason Z. <jzhou@jonesday.com>; TerriAnne Benedetto <tbenedetto@dugan-lawfirm.com>; James R. Dugan, II <jdugan@dugan-lawfirm.com>; Laura Fitzpatrick <lfitzpatrick@simmonsfirm.com>; EXT-OpioidsTPPDefendants@groups.jonesday.com <EXT-OpioidsTPPDefendants@groups.jonesday.com OpioidsTPPDefendants@groups.jonesday.com>; tkracht@huntonAK.com < tkracht@huntonAK.com>; Kracht, Torsten M. < tkracht@hunton.com>; CITERAF@gtlaw.com <citeraf@gtlaw.com>; External User - Gretchen Miller <millerg@gtlaw.com>; creiser@axinn.com <creiser@axinn.com>; Duffee, Nicholas D.M. nduffee@axinn.com; eyung@axinn.com eyung@axinn.com; doakes@axinn.com doakes@axinn.com doakes@axinn.com goaxinn.com square <a href="ma <jellison@hpm.com>; Burman, David J. (SEA) <dburman@perkinscoie.com>; Roberts, Tyler (SEA) <troberts@perkinscoie.com>; Gregory E. O'Brien <gobrien@cavitch.com>; https://urldefense.com/v3/ http://rice bscr-law.com>; rice@bakersterchi.com <rice@bakersterchi.com>; jmatthews@foley.com <jmatthews@foley.com>; Koski, Katy E. <kkoski@foley.com>; Kara.Kapke@btlaw.com < Kara.Kapke@btlaw.com >; Meredith.White@btlaw.com < Meredith.White@btlaw.com >; Gregory.Franklin@gtlaw.com <Gregory.Franklin@gtlaw.com>; monica.brownewell@btlaw.com <monica.brownewell@btlaw.com>; Fiterman, Amy R. <amy.fiterman@faegredrinker.com>; Collins, Rory F. <rory.collins@faegredrinker.com>; kerry.bundy@faegredrinker.com <kerry.bundy@faegredrinker.com>; terry.henry@blankrome.com <terry.henry@blankrome.com>; fiona.steele@blankrome.com <fi>ona.steele@blankrome.com>; toliver@carrallison.com <toliver@carrallison.com>; dplunkett@mcglinchey.com <dplunkett@mcglinchey.com>; Byrd, Timothy <tbyrd@mcglinchey.com>; maria.durant@hoganlovells.com <maria.durant@hoganlovells.com>; michael.connelly@troutman.com <michael.connelly@troutman.com>; hyung.steele@troutman.com <hyung.steele@troutman.com>; adam.levin@hoganlovells.com $<\!adam.levin@hoganlovells.com>; rebecca.mandel@hoganlovells.com <\!rebecca.mandel@hoganlovells.com>; lauren.colton@hoganlovells.com>$ <lauren.colton@hoganlovells.com>; Ronda.Harvey@Steptoe-Johnson.comRonda.Harvey@Steptoe-Johnson.com>; Ashley.Odell@Steptoe-Johnson.com Johnson.com <Ashley.Odell@Steptoe-Johnson.com>; Chantale.fiebig@weil.com <Chantale.fiebig@weil.com>; Daniel.nadratowski@weil.com <Daniel.nadratowski@weil.com>; paul.lafata@dechert.com <paul.lafata@dechert.com>; Dory Antullis <DAntullis@rgrdlaw.com>; Drachler, Dan <ddrachler@lchb.com>; Cabraser, Elizabeth J. <ECABRASER@lchb.com>; Peter H. Weinberger <PWeinberger@spanglaw.com> Subject: RE: [EXT] American Federation Consolidated and Amended Third Party Payor Class Action Complaint

Dear Special Master Cohen,

In recognition of ongoing settlement discussions with a number of the defendants included in the Placeholder Complaint served on September 20, 2024, the TPP plaintiffs intend to remove allegations pertaining to certain defendants prior to filing the complaint on the docket. To that end, the TPP Plaintiffs request that the deadline in paragraph A4 of the CMO (Dkt. 5666), which requires that they file the Placeholder Complaint on the docket by Oct. 11, 2024, be extended to October 21, 2024.

respectionly,
Paulina do Amaral
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Paulina do Amaral
Partner
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law.com_:!!DUT_TFPxUO!Eely_0TAK0PZZKw2ZHvIUGvZI_ZOfYA4GQOWXdOzFdPtKg0sV1L-69LbHS7YII5NSKbBcut1xVd1te8\$ <ri>ce@bscr-law.com>; rice@bakersterchi.com; jmatthews@foley.com; Koski, Katy E. <kkoski@foley.com>; Kara.Kapke@btlaw.com; Meredith.White@btlaw.com; Gregory.Franklin@gtlaw.com; monica.brownewell@btlaw.com; Fiterman, Amy R. <amy.fiterman@faegredrinker.com>; Collins, Rory F. <rory.collins@faegredrinker.com>; kerry.bundy@faegredrinker.com; terry.henry@blankrome.com; fiona.steele@blankrome.com; toliver@carrallison.com; dplunkett@mcglinchey.com; Byrd, Timothy <tbyrd@mcglinchey.com>; maria.durant@hoganlovells.com; michael.connelly@troutman.com; hyung.steele@troutman.com; adam.levin@hoganlovells.com; rebecca.mandel@hoganlovells.com; lauren.colton@hoganlovells.com; Ronda.Harvey@Steptoe-Johnson.com; Ashley.Odell@Steptoe-Johnson.com; Chantale.fiebig@weil.com; Daniel.nadratowski@weil.com; paul.lafata@dechert.com; Dory Antullis@rgrdlaw.com>; do Amaral, Paulina <Pdoamaral@lchb.com>; Drachler, Dan <ddrachler@lchb.com>; Cabraser, Elizabeth J. <ECABRASER@lchb.com>; Peter H. Weinberger <PWeinberger@spanglaw.com> Subject: [EXT] American Federation Consolidated and Amended Third Party Payor Class Action Complaint

Dear Special Master Cohen, Ms. Roush, and Counsel: Attached please find the Consolidated and Amended Third Party Payor Class Action Complaint and Jury Demand in the American Federation, etc. case. Best, Sheila

Sheila Schebek Client and Case Services Manager Spangenberg Shibley & Liber LLP 1001 Lakeside Avenue East, Suite 1700 Cleveland, Ohio 44114 216-696-3232 Office 216-696-3924 Fax

SMS@spanglaw.com<mailto:SMS@spanglaw.com>

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